

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

QUAD/GRAPHICS, INC.,

Plaintiff,

v.

MEREDITH CORPORATION,

Defendant.

Case No. 18-CV-1340-JPS

**ORDER**

On November 6, 2018, Plaintiff filed notice of voluntary dismissal of this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Docket #28). Under that rule, Plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. *See* Fed. R. Civ. P. 41 (a)(1)(A)(i).

On October 24, 2018, Defendant filed a motion to dismiss for failure to state a claim, as well as a declaration containing the relevant contract provisions.<sup>1</sup> (Docket #23–#26). This motion to dismiss is not an answer, nor has it been converted to a motion for summary judgment. Therefore, the case may be voluntarily dismissed by notice.

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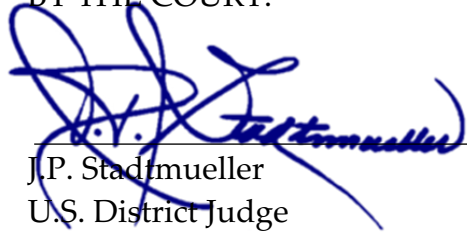
<sup>1</sup>This is Defendant's second motion to dismiss for failure to state a claim. In response to Defendant's first motion to dismiss, submitted on September 20, 2018 (Docket #12), Plaintiff filed an amended complaint on October 10, 2018 (Docket #21). Defendant submitted its second motion to dismiss for failure to state a claim on October 24, 2018. (Docket #23). In response, Plaintiff filed this notice of voluntary dismissal without prejudice. (Docket #28).

Accordingly,

**IT IS ORDERED** that Plaintiff's notice of voluntary dismissal (Docket #28) be and the same is hereby **ADOPTED**; this action be and the same is hereby **DISMISSED without prejudice**.

Dated at Milwaukee, Wisconsin, this 15th day of November, 2018.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge